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Remarks

In response to the restriction requirement of the office actions of June 3, 2005 and Notice of non-responsive amendment of Aug 10, 2005, this amendment is an election of invention I, and cancels claims 10-12 directed to invention II. Within invention I, applicant has elected first embodiments of the invention which read on species A, D, H, and I, and a second embodiment of the invention which reads on species K.

Election is made of Species A: Figure 3 having a VOA which operates on optical energy from an input optical fiber prior to a reflector (claim 2). Claims to non-elected species B attenuator after reflector (claim 3) are withdrawn.

Election is made of species D: the reflecting attenuator of claim 6. Claims to non-elected species E absorbing attenuator of claim 7 and non-elected species C scattering attenuator of claim 5 are withdrawn.

Election is made of species H: reflecting shutter (claim 16). Claims to non-elected species F (scattering shutter) of claim 14 and non-elected species G (absorbing shutter) claim 15 are withdrawn.

1 Election is made of species I: GRIN lens (claim 21).
2 Claim to non-elected species J, the C lens of claim 22, is
3 withdrawn.

4 Of the second embodiment, election is made of species
5 K (reflector is a flat end lens facet coated with
6 reflective coating that is partially transmissive) of claim
7 23, and claim 24 to non-elected species L is withdrawn.

8 Claim 1 is amended to read on the attenuator of
9 figures 6A, 6B, and 6C.

10

11 Claim 13 is amended to remove a typographical error.

12

13 Applicant has filed a one month extension of time to
14 extend the reply period following the notice of non-
15 compliant amendment dated 8/10/05.

16

17 Applicant notes that on 8/25/05, assignee filed a
18 revocation of previous attorney and appointment of new
19 attorney below, a copy of which is enclosed. Please direct
20 all correspondence to the new attorney of record:

21 Jay Chesavage (Customer Number 24346)

22 3833 Middlefield Rd

23 Palo Alto, Ca. 94303

24 650-619-5270 (cell phone)

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With this amendment, the present application is in
condition for examination.

Respectfully Submitted,


A handwritten signature in black ink, appearing to read 'Jay Chesavage', is written over a horizontal line.

Jay Chesavage

Registration No. 39,137